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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 ANDRE TORIAN LAVON
9 MITCHELL,

Plaintiff,

v.

10 CITY OF TACOMA,

11 Defendant.
12

CASE NO. C18-5945 BHS

ORDER DENYING PLAINTIFF'S
MOTION TO PROCEED *IN*
FORMA PAUPERIS AND
DISMISSING COMPLAINT

13 This matter comes before the Court on Plaintiff Andre Torian Lavon Mitchell's
14 ("Mitchell") motion for leave to proceed *in forma pauperis*, Dkt. 1, and proposed
15 complaint, Dkt. 1-1.

16 On November 16, 2018, Mitchell filed the instant motion and proposed complaint
17 asserting a claim against Defendant City of Tacoma ("City") for a violation of
18 Washington's Public Records Act ("PRA"). *Id.* "If the court determines at any time that
19 it lacks subject-matter jurisdiction, the court must dismiss the action." Fed. R. Civ. P.
20 12(h)(3). The Court finds that it does not have jurisdiction over a state law claim against
21 the City and that any amendment would be futile. *Rodriguez v. Steck*, 795 F.3d 1187,
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1 1188 (9th Cir. 2015) (“[A] district court’s denial of leave to proceed in forma pauperis is
2 an abuse of discretion unless the district court first provides a plaintiff leave to amend the
3 complaint or finds that amendment would be futile.”). Therefore, the Court denies
4 Mitchell’s motion and dismisses his complaint for lack of jurisdiction. The Clerk shall
5 close this case.

6 **IT IS SO ORDERED.**

7 Dated this 28th day of November, 2018.

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10 BENJAMIN H. SETTLE
United States District Judge

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